

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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DANIEL GARZA, JOSHUA RUIZ,
ELISABETH CROUCHLEY, STEVEN
PASSAL, RUSSELL VREELAND,
ANTHONY PIRES, JOHN RUFFNER,
and JENNIFER LORET DE MOLA,
on behalf of themselves and a
class of similarly situated
persons,

Plaintiffs,

v.

CITY OF SACRAMENTO,
SACRAMENTO POLICE DEPARTMENT,
DANIEL HAHN, and DOES 1 to
225,

Defendants.

NO. 2:20-cv-01229-WBS-EFB

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STATUS (PRETRIAL SCHEDULING) ORDER

After reviewing the parties' Joint Status Report, the
court hereby vacates the Status (Pretrial Scheduling) Conference
scheduled for October 13, 2020, and makes the following findings
and orders without needing to consult with the parties any

1 further.

2 I. SERVICE OF PROCESS

3 All defendants have been served,¹ and no further
4 service is permitted without leave of court, good cause having
5 been shown under Federal Rule of Civil Procedure 16(b).

6 II. JOINDER OF PARTIES/AMENDMENTS

7 No further joinder of parties or amendments to
8 pleadings will be permitted except with leave of court, good
9 cause having been shown under Federal Rule of Civil Procedure
10 16(b). See Johnson v. Mammoth Recreations, Inc., 975 F.2d 604
11 (9th Cir. 1992).

12 III. JURISDICTION/VENUE

13 Jurisdiction is predicated upon 28 U.S.C. § 1331
14 because plaintiffs bring claims arising under the Constitution
15 and laws of the United States. Venue is undisputed and hereby
16 found to be proper.

17 IV. DISCOVERY

18 The parties agree to serve the initial disclosures
19 required by Federal Rule of Civil Procedure 26(a)(1) on or before
20 October 6, 2020.

21 The parties shall disclose experts and produce reports
22 in accordance with Federal Rule of Civil Procedure 26(a)(2) by no
23 later than January 11, 2022. With regard to expert testimony
24 intended solely for rebuttal, those experts shall be disclosed
25 and reports produced in accordance with Federal Rule of Civil

26 ¹ If plaintiffs wish to substitute individual deputies or
27 defendants for the current DOE defendants after exchanging
28 discovery with the defendants, they must do so either by
stipulation or noticed motion.

1 Procedure 26(a)(2) on or before February 25, 2022.

2 All discovery, including depositions for preservation
3 of testimony, is left open, save and except that it shall be so
4 conducted as to be completed by March 28, 2022. The word
5 "completed" means that all discovery shall have been conducted so
6 that all depositions have been taken and any disputes relevant to
7 discovery shall have been resolved by appropriate order if
8 necessary and, where discovery has been ordered, the order has
9 been obeyed. All motions to compel discovery must be noticed on
10 the magistrate judge's calendar in accordance with the local
11 rules of this court and so that such motions may be heard (and
12 any resulting orders obeyed) not later than March 28, 2022.

13 V. MOTION HEARING SCHEDULE

14 All motions, except motions for continuances, temporary
15 restraining orders, or other emergency applications, shall be
16 filed on or before May 23, 2022. All motions shall be noticed
17 for the next available hearing date. Counsel are cautioned to
18 refer to the local rules regarding the requirements for noticing
19 and opposing such motions on the court's regularly scheduled law
20 and motion calendar.

21 VI. FINAL PRETRIAL CONFERENCE

22 The Final Pretrial Conference is set for August 1,
23 2022, at 1:30 p.m. in Courtroom No. 5. The conference shall be
24 attended by at least one of the attorneys who will conduct the
25 trial for each of the parties and by any unrepresented parties.

26 Counsel for all parties are to be fully prepared for
27 trial at the time of the Pretrial Conference, with no matters
28 remaining to be accomplished except production of witnesses for

1 oral testimony. Counsel shall file separate pretrial statements,
2 and are referred to Local Rules 281 and 282 relating to the
3 contents of and time for filing those statements. In addition to
4 those subjects listed in Local Rule 281(b), the parties are to
5 provide the court with: (1) a plain, concise statement which
6 identifies every non-discovery motion which has been made to the
7 court, and its resolution; (2) a list of the remaining claims as
8 against each defendant; and (3) the estimated number of trial
9 days.

10 In providing the plain, concise statements of
11 undisputed facts and disputed factual issues contemplated by
12 Local Rule 281(b) (3)-(4), the parties shall emphasize the claims
13 that remain at issue, and any remaining affirmatively pled
14 defenses thereto. If the case is to be tried to a jury, the
15 parties shall also prepare a succinct statement of the case,
16 which is appropriate for the court to read to the jury.

17 VII. TRIAL SETTING

18 The jury trial is set for September 27, 2022 at 9:00
19 a.m. The parties estimate that the trial will last between 10 to
20 14 days.

21 VIII. SETTLEMENT CONFERENCE

22 A Settlement Conference will be set at the time of the
23 Pretrial Conference. All parties should be prepared to advise
24 the court whether they will stipulate to the trial judge acting
25 as settlement judge and waive disqualification by virtue thereof.

26 Counsel are instructed to have a principal with full
27 settlement authority present at the Settlement Conference or to
28 be fully authorized to settle the matter on any terms. At least


1 seven calendar days before the Settlement Conference counsel for
2 each party shall submit a confidential Settlement Conference
3 Statement for review by the settlement judge. If the settlement
4 judge is not the trial judge, the Settlement Conference
5 Statements shall not be filed and will not otherwise be disclosed
6 to the trial judge.

7 IX. MODIFICATIONS TO SCHEDULING ORDER

8 Any requests to modify the dates or terms of this
9 Scheduling Order, except requests to change the date of the
10 trial, may be heard and decided by the assigned Magistrate Judge.
11 All requests to change the trial date shall be heard and decided
12 only by the undersigned judge.

13 IT IS SO ORDERED.

14 Dated: October 7, 2020


15 **WILLIAM B. SHUBB**
16 **UNITED STATES DISTRICT JUDGE**
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